

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

RANDALL D. BUTLER,	)	
	)	
Plaintiff,	)	
v.	)	3:12-CV-1219
	)	JURY DEMAND
GSA INTERNATIONAL, LTD., RYDER	)	
TRUCK RENTAL, LT., and ROBERT L.	)	Judge Campbell
MITCHELL,	)	Magistrate Judge Griffin
	)	
Defendants.	)	

**AGREED ORDER OF DISMISSAL OF UNNAMED DEFENDANT**  
**KENTUCKY NATIONAL INSURANCE COMPANY**

It appearing to the Court, as evidenced by the signatures of counsel for the parties below, that the parties hereto are in agreement that it is appropriate for Kentucky National Insurance Company to be dismissed from this cause, with the provisions that if, for any reason hereafter, the liability insurance carrier for the named Defendants denies coverage to the Defendants, or if the Defendants' insurance company is not able to provide liability insurance in this cause, then, in that event, Plaintiff shall be allowed to renew his uninsured/underinsured motorist claim against Kentucky National Insurance Company; and in that event, Kentucky National Insurance Company shall be allowed to conduct any necessary discovery pursuant to Tennessee Code Annotated § 56-7-1206.

It is therefore ORDERED that the Complaint in this cause be, and is hereby dismissed without prejudice as to Kentucky National Insurance Company, the uninsured/underinsured motorist carrier of Plaintiff.

It is further ORDERED that in the event the liability insurance carrier for Defendants, for whatever reason, denies coverage to Defendants and/or if Defendants' insurance company is not

able to provide liability insurance in this cause, then, in that event, Plaintiff shall be allowed to renew his uninsured/underinsured motorist claim against Kentucky National Insurance Company. Any time limitations of action by law, statute, insurance policy or otherwise, are hereby waived by Kentucky National Insurance Company. Therefore, Kentucky National Insurance Company shall have the right to conduct any necessary discovery in this cause pursuant to Tennessee Code Annotated § 56-7-1206 prior to the case being tried. All other rights and remedies available to Kentucky National Insurance Company are reserved.

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

  
JUDGE

APPROVED FOR ENTRY:

LEWIS, KING, KRIEG & WALDROP, P.C.

By: /s/Mary Beth Haltom  
Mary Beth Haltom, BPR # 024462  
424 Church Street, Suite 2500  
P.O. Box 198615  
Nashville, TN 37219  
615-259-1366  
615-259-1389  
*Attorneys for Unnamed Defendant*  
*Kentucky National Insurance Company*

LAW OFFICE OF BART DURHAM

By: /s/Blair P. Durham  
Blair P. Durham, BPR No. 021453  
H. Anthony Duncan, BPR No. 20056  
Aaron Woodard, BPR No. 24807  
1712 Parkway Towers  
404 James Robertson Parkway  
Nashville, TN 37219  
615-242-9000  
*Attorneys for Plaintiff*

SMITH & TOMKINS

By: /s/Warren M. Smith

Warren M. Smith, BPR No. 10622  
214 Second Avenue North  
Suite 100  
Nashville, TN 37201  
615-256-1280

*Attorneys for GSA International Ltd., Ryder  
Truck Rental, LT., and Robert L. Mitchell*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 9<sup>th</sup> day of January, 2013, a copy of the foregoing Agreed Order of Dismissal of Unnamed Defendant Kentucky National Insurance Company was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Blair P. Durham, Esq.  
H. Anthony Duncan, Esq.  
Aaron Woodard, Esq.  
1712 Parkway Towers  
404 James Robertson Parkway  
Nashville, TN 37219

Warren M. Smith, Esq.  
Smith & Tomkins  
214 Second Avenue North  
Suite 100  
Nashville, TN 37201

/s/Mary Beth Haltom  
Mary Beth Haltom